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10 Bancshares, Inc., Simple Finance Technology  
11 Corp., BBVA Compass Financial  
Corporation, and Compass Bank

12 **UNITED STATES DISTRICT COURT**  
13 **NORTHERN DISTRICT OF CALIFORNIA**  
14

15 AMITABHO CHATTOPADHYAY, UNITE  
16 THE PEOPLE, individually and on behalf of  
all others similarly situated,

17  
18 Plaintiffs,

19 v.

20 BBVA COMPASS BANCSHARES,  
21 INC., SIMPLE FINANCE  
22 TECHNOLOGY CORP., BBVA  
23 COMPASS FINANCIAL  
CORPORATION, and COMPASS BANK,

24 Defendants.  
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26  
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Case No. 3:19-cv-01541-JST

The Honorable Jon S. Tigar

**DEFENDANTS' REQUEST FOR  
JUDICIAL NOTICE IN SUPPORT OF  
MOTIONS TO DISMISS COMPLAINT  
PURSUANT TO RULES 12(b)(1) AND  
12(b)(6)**

Complaint Filed: March 25, 2019

Date: August 1, 2019

Time: 2:00 p.m.

Place: Courtroom 9

1                   **TO ALL PARTIES AND THEIR COUNSEL OF RECORD:**

2                   Pursuant to Federal Rule of Evidence 201, defendants BBVA Compass Bancshares,  
3 Inc., Simple Finance Technology Corp., BBVA Compass Financial Institution Corporation,  
4 and Compass Bank (collectively, “Defendants”) request that the court take judicial notice of  
5 several governmental publications available on publicly accessible websites, as well as the  
6 publicly available website of plaintiff Unite the People. These documents are submitted in  
7 support of Defendants’ concurrently-filed motions to dismiss the Complaint pursuant to  
8 Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6), and are attached to the concurrently-  
9 filed declaration of Gregory S. Korman (the “Korman Decl.”) as follows:

- 10                   • **Exhibit 1:** A true and correct copy of pertinent excerpts (with cited portions  
11 bracketed) from the Federal Financial Institutions Examination Council’s *Bank*  
12 *Secrecy Act/Anti-Money Laundering Examination Manual*, available at  
13 [https://www.ffiec.gov/bsa\\_aml\\_infobase/documents/BSA\\_AML\\_Man\\_2014\\_v2](https://www.ffiec.gov/bsa_aml_infobase/documents/BSA_AML_Man_2014_v2.pdf)  
14 [.pdf](https://www.ffiec.gov/bsa_aml_infobase/documents/BSA_AML_Man_2014_v2.pdf);
- 15                   • **Exhibit 2:** A true and correct copy of printouts from the Financial Crimes  
16 Enforcement Network’s (“FinCEN’s”) website entitled “What We Do,”  
17 available at <https://www.fincen.gov/what-we-do>;
- 18                   • **Exhibit 3:** A true and correct copy of printouts from FinCEN’s website entitled  
19 “Enforcement Actions,” available at [https://www.fincen.gov/news-](https://www.fincen.gov/news-room/enforcement-actions)  
20 [room/enforcement-actions](https://www.fincen.gov/news-room/enforcement-actions);
- 21                   • **Exhibit 4:** A true and correct copy of printouts from the Federal Deposit  
22 Insurance Corporation’s website entitled “Learning Bank - How Banks Work,”  
23 available at <https://www.fdic.gov/about/learn/learning/banks.html>.
- 24                   • **Exhibit 5:** A true and correct copy of printouts from the Federal Deposit  
25 Insurance Corporation’s website entitled “The FDIC’s Response to Bank  
26 Secrecy Act and Anti-Money Laundering Concerns Identified at FDIC-  
27 Supervised Institutions,” available at  
28

1                   [https://www.fdicoin.gov/publications/fdics-response-bank-secrecy-act-and-](https://www.fdicoin.gov/publications/fdics-response-bank-secrecy-act-and-anti-money-laundering-concerns-identified-fdic)  
 2                   anti-money-laundering-concerns-identified-fdic.

- 3                   • **Exhibit 6:** A true and correct copy of printouts from plaintiff Unite the  
 4                   People’s website, *available at* <https://www.unitepeople.org>.

5                   Under Federal Rule of Evidence 201, “[t]he court may judicially notice a fact that is  
 6                   not subject to reasonable dispute because it: (1) is generally known within the trial court’s  
 7                   territorial jurisdiction; or (2) can be accurately and readily determined from sources whose  
 8                   accuracy cannot reasonably be questioned.” Fed. R. Evid. 201(b).

9                   Exhibits 1–5 are judicially noticeable because they are official publications of  
 10                  government entities. *Daniels-Hall v. Nat’l Educ. Ass’n*, 629 F.3d 992, 998–99 (9th Cir. 2010)  
 11                  (taking judicial notice of information on websites of two school districts because they were  
 12                  published by government entities); *Cty. of Santa Clara v. Astra USA, Inc.*, 401 F. Supp. 2d  
 13                  1022, 1024 (N.D. Cal. 2005) (taking judicial notice of information posted on a Department of  
 14                  Health and Human Services web site); *Peacock v. 21st Amendment Brewery Café, LLC*, No.  
 15                  17-cv-01918-JST, 2018 WL 452153, at \*3 (N.D. Cal. Jan. 17, 2018) (taking judicial notice of  
 16                  publicly available government documents published by the Department of the Treasury  
 17                  Alcohol and Tobacco Tax and Trade Bureau). These documents are submitted in support of  
 18                  Defendants’ concurrently-filed motion to dismiss the Complaint pursuant to Rule 12(b)(6).  
 19                  They are relevant because they comprise official governmental publications regarding the  
 20                  Bank Secrecy Act, a statute which precludes Plaintiffs from stating a claim for relief.

21                  Defendants also seek judicial notice of Unite the People’s website pages about its  
 22                  organizational purpose. (Ex. 6.) These statements are relevant to Unite the People’s allegation  
 23                  that it suffered injury-in-fact by being forced to “divert resources” from its primary area of  
 24                  advocacy. Courts routinely take judicial notice of the contents of publicly available websites.  
 25                  *See, e.g., Matthews v. Nat’l Football League Mgmt. Council*, 688 F.3d 1107, 1113 n.5 (9th  
 26                  Cir. 2012); *W. Marine, Inc. v. Watercraft Superstore, Inc.*, No. 11-cv-04459-HRL, 2012 WL  
 27                  479677, at \*9 (N.D. Cal. Feb. 14, 2012). Courts including this one are understandably  
 28                  reluctant to take judicial notice of the *requesting party’s* own website, *Rollins v. Dignity*

1 *Health*, 338 F. Supp. 3d 1025, 1032–33 (N.D. Cal. 2018), but because judicial notice is  
2 sought of the opposing party’s website, judicial notice is proper, *e.g.*, *Am. Republic Wheels,*  
3 *Inc. v. Coddington*, No. CV 14-08718-AB (SHX), 2015 WL 13047563, at \*4 n.5 (C.D. Cal.  
4 Mar. 27, 2015) (“The Court takes judicial notice of the fact that, as of March 25, 2015  
5 Plaintiff’s website [www.americanrepublicwheels.com](http://www.americanrepublicwheels.com) prominently states that ‘American  
6 Republic Wheels is Boyd Coddington Wheels’ and advertises ‘Boyd Coddington Wheels’ and  
7 ‘Boyd’s Wheels’ for sale in the United States”); *Vesta Corp. v. Amdocs Mgmt. Ltd.*, 129 F.  
8 Supp. 3d 1012, 1021 (D. Or. 2015) (“Defendants ask the Court to take judicial notice of a  
9 page of Plaintiff’s website, which contains certain statements regarding Plaintiff’s payment  
10 processing services. . . . Plaintiff does not dispute the accuracy of its own website.  
11 Accordingly the Court takes judicial notice of this document.”); *Critical Care Diagnostics,*  
12 *Inc. v. Am. Ass’n for Clinical Chemistry, Inc.*, No. 13CV1308 L WMC, 2014 WL 842951, at  
13 \*3 (S.D. Cal. Mar. 4, 2014) (taking judicial notice of “press releases from Plaintiff’s  
14 website”); *Caner v. Autry*, 16 F. Supp. 3d 689, 696 n.12 (W.D. Va. 2014) (taking judicial  
15 notice of information “reported in a press release on Plaintiff’s own website”); *Doron*  
16 *Precision Sys., Inc. v. FAAC, Inc.*, 423 F. Supp. 2d 173, 178 n.8 (S.D.N.Y. 2006) (granting  
17 motion to dismiss, noting that allegation in complaint “conflicts with the representations on  
18 [plaintiff’s] own website,” and taking judicial notice of plaintiff’s website’s contents).

1 For the foregoing reasons, Defendants respectfully request that the court take judicial  
2 notice of the printouts of governmental online publications attached as Exhibits 1–5 to the  
3 Korman Declaration, and the printouts from plaintiff Unite the People’s website attached as  
4 Exhibit 6 to the Korman Declaration.

5 Respectfully submitted,

6  
7 Dated: May 24, 2019

**KATTEN MUCHIN ROSENMAN LLP**

8  
9 By: /s/ Gregory S. Korman

10 Attorneys for Defendants BBVA Compass  
11 Bancshares, Inc., Simple Finance Technology  
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